IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5509 of 2000

Between:

E.Venkateswarlu S/o.Late Sunkanna aged 33 years, Occupation: Constable, Central Industrial Security Force. R/o.H/21 CISF Quarters , Hindustan Cables Limited,
Hyderabad.

..... PETITIONER

AND

1. The Group Commandant, Central Industrial Security force NISA, Hakimpet, Hyderabad-78.

2. The Deputy Commandant, Central Industrial Security Force Unit BDL, Kanchanbagh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue writ of certiorari or any other appropriate writ calling for the records pertaining to Proc.V-11014/6/99-Adm.IV, Dt:24-08-1999 issued by the Respondent No.1 confirming proceedings No.V-15014/Min-3/PA/99/1219, Dt:29-04-99 issued by the respondent No.2 and quash the same as illegal , arbitrary and unconstitutional and pass such further or other order or orders.

Counsel for the Petitioner:MR.ANJANEYULU CHANDUBATLA

Counsel for the Respondents: Mr. S.Shrinivasa Sarma

The Court made the following :

O R D E R:

By the impugned order, dated 29.04.1999, the petitioner was imposed with a penalty of "withholding of one increment for one year which will not have the effect of postponing future increments" and the same was confirmed by the orders of the 1st respondent dated 24.8.1999. Aggrieved by the same, the present Writ Petition is filed.

The petitioner, while working as Constable, was proceeded with some disciplinary action and a charge memo was issued enumerating the charges as under:

> Charge No.1: No.884522304 Constable E. Venkateshwarlu of CISF Unit BDL, Kanchanbagh, Hyderabad is charged with gross indiscipline, misconduct and dereliction of duty in that he while detailed for duty at Prithvi Assembly Area from 2100 hours to 0500 hours on the intervening night of 7/8.3.99 was found sleeping on a chair from 0020 hrs to 0030 hrs on 8.3.99 when checked by Shri S.K.Bose, AC in presence of HC VM Bhai. His such act is unbecoming conduct of a member of an Armed Force of Union and grossly detrimental to the security of the Plant. Hence, the charge.
>
> Charge No.2: No. 884522304 Constable E. Venkateshwarlu of CISF Unit BDL Kanchanbagh has been awarded with the punishment of PAY FINE EQUIVALENT TO TWO DAYS PAY vide AC/Plant final order No.V-15014/Min-7/PA/98/3150 dated 28.12.98 for sleeping on duty. Hence it appears that the charged constable is habitual offender.

Since, the above charges were proved in full, he was imposed with a

punishment of stoppage of one increment for a period of one year without cumulative effect and the Appellate Authority also confirmed the same. I am of the considered opinion that the mis-conduct of dereliction of duties on the part of the delinquent-employee was sleeping while on duty. A constable is not supposed to sleep while on duty and that would result in serious consequences. Therefore, the order passed by the Disciplinary Authority, which was confirmed by the Appellate Authority, imposing stoppage of one increment without cumulative effect, cannot be said to be either severe or disproportionate to the charges framed against the petitioner.

The Writ Petition does not merit any consideration and, therefore, liable to be dismissed. Accordingly, it is dismissed. No order as to costs.

8th October 2004

BCS

To

1. The Group Commandant, Central Industrial Security force NISA , Hakimpet , Hyderabad-78.

2. The Deputy Commandant, Central Industrial Security Force Unit BDL , Kanchanbagh, Hyderabad.

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